

- DISCLAIMER -

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MARRIAGE

CHECKLIST: DOCUMENTS THAT ESTABLISH A COMMON LAW MARRIAGE

Even if you do not currently live in a state that specifically recognizes common law marriages, you may be able to establish that one exists or existed if you used to live in a common law state and can offer written documentation. Examples of documents that can be used to establish the existence of a common law marriage are listed below.

- A personal affidavit stating when and where you and your common law spouse mutually agreed to become husband and wife; whether you were ever married, ceremonially or otherwise, to anyone else, and the details surrounding the end of any previous marriages (how they were ended, where, and when); and any other details that will help to establish the existence of a husband and wife relationship.
- Affidavits from other persons who know you and are familiar with your relationship, setting forth particulars such as the length of time you lived together; your address(es); whether there was any public announcement of your marriage; and whether your friends, neighbors, and relatives regard you as married.
- Deeds showing title to property held jointly by both parties to the common law marriage.
- Bank statements and checks showing joint ownership of the accounts.
- Insurance policies naming the other party as beneficiary.
- Birth certificates naming you and your common law spouse as parents of your child(ren).
- Employment records listing your common law spouse as an immediate family member.
- School records listing the names of both common law spouses as parents
- Credit card accounts in the names of both common law spouses
- Loan documents, mortgages, and promissory notes evidencing joint financial obligations of the parties.
- Mail addressed to you and your common law spouse as "Mr. and Mrs."
- Any documents showing that the wife has assumed the surname of her common law husband.
- Church records indicating familial status, including membership information, baptismal certificates of the parties' child(ren), Sunday School registration forms, etc.